



WAGONHEIM LAW

August 15, 2017

VIA ELECTRONIC MAIL: Protests@gao.gov
AND FEDERAL EXPRESS

General Counsel
Government Accountability Office
441 G Street, N.W.
Washington, DC 20548
Attn: Procurement Law Control Group

Re: BID PROTEST

Our Client: Team J's LLC
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Dunkirk, Md. 20754
Email: msullivan@teamgov.com
juanita@jsassociatesllc.com
Telephone: 301-801-9859
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Adverse Entity: General Services Administration
301 7th Street, SW,
6th Floor B Conference Room 6067
Washington, DC

Solicitation No.: GS-11P-17-YE-D-0001

Project: Custodial and Other Related Services for the Regional
Office Building (ROB)

Dear Sir/Madam:

The undersigned serves as counsel to Team J's, LLC ("Team J's"), a Maryland limited liability company. This letter constitutes Team J's Bid Protest in connection with the above-mentioned Project submitted in accordance with 4 CFR § 21.1.

On December 8, 2016, the General Services Administration ("GSA") issued a Request for Proposal (the "RFP") for Custodial and Other Related Services for the Regional Office Building (ROB) (Solicitation GS-11P-17-YE-D-0001) (the "Project"). The RFP specified that it would

utilize a Lowest Price Technically Acceptable (LPTA) source selection procedures in accordance with FAR 15.101-2. A copy of the RFP, as amended, is attached hereto as *Exhibit 1*.

After having thoroughly reviewed the bidding requirements, Team J's submitted a qualified bid proposal (the "Proposal") in response to the RFP. A copy of the Proposal is attached hereto as *Exhibit 2*.

On Thursday, May 18, 2017 Team J's was informed that the GSA has issued a Determination of Non-Responsibility for their firm and requested they obtain a Certificate of Competency ("CoC") Determination from the U.S. Small Business Administration ("SBA"). The GSA stated that the Proposal lacked sufficient information regarding (1) corporate experience and (2) key personnel. A copy of the letter dated May 18, 2017 is attached hereto as *Exhibit 3*.

On May 25, 2017, Team J's sent correspondence to the SBA providing follow up information regarding the further information sought by the GSA, specifically (1) corporate experience and (2) key personnel. A copy of the letter dated May 25, 2017 is attached hereto as *Exhibit 4*.

On Tuesday, July 7, 2017 the SBA sent notice to Team J's that it was unable to issue a CoC to Team J's on this Project because "The solicitation requires, among other things, experience managing a minimum of (a) 3 (three) separate contracts (b) for janitorial services - not operations and maintenance, landscaping, pest control, etc. (c) at facilities whose size exceed 800,000 gross square feet." A copy of the letter dated July 7, 2017 is attached hereto as *Exhibit 5*.

Contrary to the statements made by the SBA, the Project bidding requirements did not call for a 3-contract minimum totaling 2.4 million gross square feet. A copy of the evaluation criteria for the Project is attached hereto as *Exhibit 6*. The SBA was operating under an incorrect understanding of the bidding requirements.

Team J's made multiple attempts to provided sufficient information to the SBA. Team J's provided the square footage for each project reference to the SBA numerous times. However, the SBA never informed Team J's verbally or in writing of the basic information GSA was requesting for the award. Instead they asked for supporting documents for essentially everything *but* the basic criteria GSA was apparently seeking.

It was not until Friday, July 21, 2017 that Team J's was informed by the GSA that it would not award a contract for the Project to Team J's because: (1) the square footage of building were grouped together and not separate and (2) because Team J's did not provide Key Personnel contact information. A copy of the email dated July 21, 2017 is attached hereto as *Exhibit 7*.

This was the first Team J's was informed of these technical issues and Team J's submits they were non-material. With respect to contact information of its employees, Team J's provided

extensive sufficient information that it believed to be in compliance with the evaluation criteria. Naturally, Team J's has an obligation to comply with applicable privacy laws with regards to employees' personal information, but upon learning that the GSA wanted further information it provided such information the following day. A copy of the reference letters emailed to the GSA on July 22, 2017 are collectively attached hereto as *Exhibit 8*.

Team J's submits that the SBA's refusal to issue a CoC was predicated upon an incorrect understanding of the bidding requirements for the RFP and a refusal to cooperate with Team J's in good faith. *See Exhibit 5*. Team J's made extensive efforts to cooperate with the SBA, but it appears the SBA was not conveying such information to the GSA. Thus, the GSA's July 21st decision is based on purported deficiencies that were easily reconciled, had (1) Team J's been informed at any point prior or (2) had the SBA actually cooperated to obtain the information needed by the GSA. Team J's submits that the GSA failed to consider vital information bearing on the firm's responsibility due to the manner in which the information was presented to or withheld from the SBA.

Team J's submitted a valid and qualified bid which was the lowest. A copy of the August 9, 2017 letter from GSA is attached hereto as *Exhibit 9*. As the pricing determination is LPTA, Team J's should be awarded the contract for the Project. Failing to award the contract to Team J's comes at a significant expense to taxpayers, as the winning offer is currently \$1,484,685.95 higher than Team J's Proposal.

Team J's, as the submitter of the Proposal is indisputably an interested party. Team J's request for debriefing was received and acknowledged on August 10, 2017. Accordingly, pursuant to 4 CFR § 21.2 (2). Team J's Bid Protest is timely. In light of the many issues outlined above, Team J's requests a ruling by the Comptroller General of the United States that a contract for the Project should be awarded to Team J's. In accordance with 4 CFR §21.1, a copy of this Bid Protest is being sent via federal express and electronic mail to the listed contact at GSA.

If you have any questions or require further information concerning this protest, please contact me.

Thank you for your attention to this matter.

Very truly yours,

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Eliot M. Wagonheim

cc: Team J's, LLC
Ingrid J. Blair, Contract Specialist, General Services Administration
(Ingrid.towns@gsa.gov)